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15 Attorneys for Defendants  
16 Homestore, Inc., The National Association of  
17 Realtors and The National Association of  
18 Home Builders of the United States

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA

21 KEVIN L. KEITHLEY and TREN  
22 TECHNOLOGIES HOLDING LLC,

23 Plaintiffs,

24 v.

25 HOMESTORE.COM, INC., et al.,

26 Defendants.

Case No. C 03-4447 MJJ (EDL)

**MOTION TO REMOVE  
CONFIDENTIAL DOCUMENTS**

**DECLARATION OF S. BENJAMIN  
PLEUNE IN SUPPORT**

**[~~PROPOSED~~] ORDER**

1 On February 21, 2007, Defendants filed a Motion to Compel Documents and  
2 Information related to the Northwater Entities (Docket No. 206). On March 19, 2007, Plaintiffs  
3 notified Defendants that its Motion to Compel made reference to and attached a document  
4 (Exhibit 11) designated by Plaintiffs as "Confidential – Attorneys Eyes Only". On March 20,  
5 2007, Defendants re-filed their Motion to Compel, accompanied by a motion requesting that  
6 Exhibit 11 and references to Exhibit 11 be sealed (Docket Nos. 213-15). Defendants also  
7 delivered an email to [ecfhelpdesk@cand.uscourts.gov](mailto:ecfhelpdesk@cand.uscourts.gov), notifying the ECF help-desk of the  
8 inadvertent reference to materials marked confidential. Thereafter, counsel for Defendants  
9 called the ECF help-desk at 1-866-638-7829, requesting that access to Docket No. 206 be  
10 restricted.

11 Defendants are not asserting that any portion of their Motion to Compel or Exhibit 11  
12 attached thereto contains information that is confidential. However, Plaintiffs have designated  
13 Exhibit 11 as confidential, and Defendants Motion to Compel makes reference to and attaches a  
14 copy of Exhibit 11. Accordingly, and pursuant to their obligations under the Protective Order  
15 and Civil Local Rule 79-5, Defendants respectfully request that the Court remove Docket No.  
16 206 from the public file of Civil Action No. 03-4447-MJJ.

17 Respectfully submitted this 20th day of March, 2007.

18  
19 GEORGE M. BORKOWSKI  
MITCHELL SILBERBERG & KNUPP

20 /s/ S. Benjamin Pleune

21 DICKSON M. LUPO

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26 ATTORNEYS FOR DEFENDANT  
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28 ASSOCIATION OF REALTORS AND THE  
NATIONAL ASSOCIATION OF HOME  
BUILDERS OF THE UNITED STATES

**SUPPORTING DECLARATION OF S. BENJAMIN PLEUNE**

I, S. Benjamin Pleune, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of North Carolina. I am an associate in the law firm of Alston & Bird, LLP, counsel for defendants Homestore, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively "Defendants"). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 20, 2007, at Charlotte, NC.

/s/ S. Benjamin Pleune

S. Benjamin Pleune

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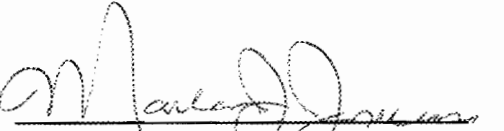
19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA

21 KEVIN L. KEITHLEY,  
22  
23 Plaintiffs,  
24  
25 v.  
26 HOMESTORE.COM, INC., et al.,  
27  
28 Defendants.

Case No. C 03-4447 MJJ  
The Honorable Martin J. Jenkins  
~~PROPOSED~~ ORDER

1 Good cause appearing therefore, Defendants' Motion to Remove  
2 Confidential Documents is **GRANTED**. The Court hereby **ORDERS** that Docket  
3 No. 206 be removed from the public file of Civil Action No. 03-4447-MJJ.

4  
5  
6 Dated: 3/1/2007

  
United States District Court Judge